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09/826,308	04/05/2001	Masahiro Someno	Q63977	4174

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EXAMINER
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PHAM, THIERRY L

ART UNIT	PAPER NUMBER
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2625

DATE MAILED: 08/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.



Art Unit: 2625

### **DETAILED ACTION**

- This action is responsive to the following communication: RCE filed on 7/27/06.
- Claims 11-17 & 20 are pending; claims 1-10 have been canceled; claims 18-19 have been withdrawn.

#### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 7/27/06 has been entered.

#### **Claim Rejections - 35 USC § 101**

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 11-12, 14-15, 20 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

The claimed invention is a computer related invention. The Computer-Implemented Invention Guidelines issued by the U.S. Patent and Trademark Office describe the procedures for examining such inventions.

The first step is to determine whether the invention as defined by the claims falls within one of the three following categories of unpatentable subject matter: (1) Functional descriptive material such as a data structure *per se* or a computer program *per se*, (2) Non-functional descriptive material such as music, literary works or pure data, embodied on a computer readable medium; or (3) A natural phenomenon such as energy or magnetism. The invention as defined by the claims is not a natural phenomenon or pure

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data, however, it is a computer program per se, which does not mount/store on any computer-readable medium; therefore, these claims are rejected for non-statutory basis.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 11, 13, 14, 16, 17, and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Takayanagi et al (US 5740335).

Regarding claim 11, Takayanagi discloses a program (program stored in a host computer 100, fig. 1, col. 10, lines 47-55) for enabling a computer to perform a printing process, wherein said program enables the computer to implement:

- a process for creating print data (print data, fig. 7-9), which controls a printer, in accordance with a printing instruction (print instructions from host computer 100, fig. 9) from a computer operator;
- a process for determining (fig. 8) whether or not a print processor (print control device, fig. 1) can control transfer (communication between host computer and printer is enabled via using connecting cables, fig. 1) to a printer in accordance with data created by the computer;
- a process for creating a file recording a command (print control commands/instruction file, figs. 7-9) for controlling the printer when it is determined that the print processor can control transfer to the printer in accordance with printing data created by the computer; and
- a process for creating data (image data file, fig. 9), which include information for specifying said file, separately (image data file is separate from print control command/instruction file, fig. 9) from said file

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Regarding claim 13, Takayanagi discloses a computer (computer 100, fig. 1) creating print data (fig. 9-10), which controls a printer, in accordance with a printing instruction (abstract, fig. 8-10) from a computer operator, comprising:  
a means (computer 100, fig. 1) for creating a file (print control instruction file, fig. 9), into which a command for controlling the printer is recorded; and means for creating data (image data file, fig. 9), which include information for specifying said file, separately (print control instruction file is separated from image data file, fig. 9) from said file.

Regarding claim 14, Takayanagi discloses a program (program stored in a host computer 100, fig. 1, col. 10, lines 47-55) for enabling a computer to perform a process for reading and outputting printing data controlling a printer, wherein said program comprising:

- a process for reading a print spool file (print control data file, fig. 9), which includes information for specifying one file among plural files (plural image data files, fig. 9) that include printing data (image data, fig. 9), and information for specifying a file into which a command (print control instruction file, fig. 9) for controlling the printer is recorded, and controlling transfer to the printer (printer 200, fig. 1);

- a process for reading a first file (image data file, fig. 9) including the printing data, which is specified by said print spooling file stored separately (print control instruction file is separated from image data file, fig. 9) from the first file, and outputting the printing data from the first file;

- a process for determining during the reading of said first file whether a second file (attribute data file, fig. 9), which is specified by said print spooling file and into a command for controlling a printer is recorded, has been updated or not (updating, fig. 8, col. 4, lines 3-33); and

- a process for reading (fig. 8) said second file when a determination is made that said second file has been updated to output a command for controlling the printer.

Regarding claim 16, Takayanagi discloses a computer (computer 100, fig. 1) for outputting printing data to a printer (printer 200, fig. 1), comprising:

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means for creating a first file (print control data/instruction file, fig. 9), into which a command for controlling the printer is recorded;

means for creating a second file comprising print data (image data file, fig. 9);

means for reading (fig. 11) said second file to output the printing data;

means for determining (fig. 8) during the reading of said second file whether said first file has been updated (updating, fig. 8, col. 4, lines 3-33) or not; and

means for reading said first file (print control data/instruction file, fig. 8) when a determination is made that said first file has been updated (fig. 8), and outputting (outputting to printer, fig. 8) the command for controlling the printer.

Regarding claim 17, Takayanagi further discloses a storing medium readable (RAM 104, fig. 2) for a computer, into which the program according to any one of claims is recorded.

Regarding claim 20, Takayanagi further discloses the program according to claim 11, wherein the command file comprises only of commands (only commands, fig. 9) for controlling the printer and does not contain any (fig. 9) of the printing data.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 12 & 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takayanagi as described above, and in view of Hori et al (US 6359696).

Regarding claims 12 & 15, Takayanagi fails to explicitly teaches a print control instructions/commands include a "print canceling command" to stop the printer from printing.

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Hori, in the same field of printing, teaches a well-known example of a print control command “print canceling command” to stop the printer from printing (col. 5, lines 48-50).

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify print control command (file) of Takayanagi to include a “print canceling command” as taught by Hori because of a following reason: (●) to stop the printer from printing the print data that is not intended by the operators/users, by doing so, to reduce consumable waste (i.e. ink, paper, and etc).

Therefore, it would have been obvious to combine Takayanagi with Hori to obtain the invention as specified in claim 1.

### ***Response to Arguments***

Applicant's arguments with respect to claim 11 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***


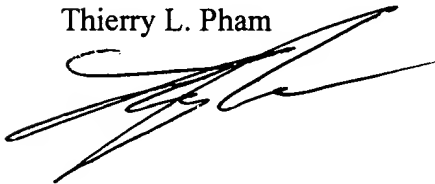
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thierry L. Pham whose telephone number is (571) 272-7439. The examiner can normally be reached on M-F (9:30 AM - 6:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David K. Moore can be reached on (571)272-7437. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Thierry L. Pham

  
GABRIEL I. GARCIA  
PRIMARY EXAMINER